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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/478,777	01/06/2000	JOANNE S. WALTER	8998	2149

26884 7590 09/26/2003

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EXAMINER

BORISSOV, IGOR N

ART UNIT

PAPER NUMBER

3629

DATE MAILED: 09/26/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/478,777	WALTER, JOANNE S.
	Examiner	Art Unit
	Igor Borissov	3629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 08 August 2003.

2a) This action is **FINAL**.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1,3-9,11-17,19,20 and 27-34 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1,3-9,11-17,19,20 and 27-34 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.

4) Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

**Claims 27-34 are rejected under 35 U.S.C. 112, first paragraph**, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

As per claims 27-34, the following new matter was introduced into the claims: "to convey an impression to the self-service user".

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1, 4-8, 9, 12-16, 17, 20, 27-28 and 30-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schneider (U. S. 5,083,638) in view of Sato (U. S. 5,949,854).**

As per claim 1, 9, 17 and 27,

Schneider teaches a method and system for automated point-of-sale machine, comprising:

- generating a first voice instruction in a first voice tonality, which instructs a user in regard to operation of the retail terminal (column 6, line 54 – column 7, line 2; column 8, lines 67-68; column 11, lines 24-36; column 12, lines 22-32; column 14, lines 48-52);
- determining if said user performs a first activity and generating a proper-response control signal in response thereto (column 11, lines 24-36; column 12, lines 22-32);
- generating a second voice instruction in a second voice tonality, which instructs a user in regard to operation of the retail terminal if a predetermined amount of time lapses subsequent to generation of the first voice instruction, but prior to generation of the proper-response control signal (column 5, lines 16-25; column 11, lines 24-36; column 12, lines 22-32);
- determining if said user performs a second activity and generating an improper-response control signal in response thereto (column 11, lines 24-36; column 12, lines 22-32; column 15, lines 8-17, 23-28);
- generating a third voice instruction in a third voice tonality, which instructs a user in regard to operation of the retail terminal in response to generation of said improper-response control signal (column 15, lines 8-17, 23-28).

However, Schneider does not specifically teach to a voice type and voice inflection level of voice instructions.

Sato teaches a voice response service method and system, comprising a tone controller for selecting a tone of the voice responses, and an intonation generating portion for generating the intonation pattern (Abstract; column 9, lines 38-45).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Schneider to include a voice type and voice inflection selection capability because it would improve the performance of the system by alerting customer of his improper interaction with the system by changing the voice tone and intonation of the instructions.

As per claims 4, 12, 20 and 30, Sato teaches said apparatus and method, comprising a volume controller which sets a volume level of a voice response (Abstract).

As per claims 5, 7, 13, 15, 31 and 33, Sato teaches said apparatus and method, comprising an intonation generating portion which generates the intonation pattern indicating the voice pitch (column 9, lines 38-45).

As per claims 6, 8, 14, 16, 32 and 34, Sato teaches said apparatus and method, comprising a tone controller wherein voice quality of the voices can be at least one of a male voice and a female voice (Abstract; column 3, lines 9-11).

**Claims 3, 11, 19 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schneider and Sato.**

As per claims 3, 11, 19 and 29, Schneider and Sato teach said method and system, wherein, when "Main Algorithm" determines that a user performs an improper

activity, an image of personnel-needed situation is displayed to a supervisor so that the supervisor can interfere (Figs. 4a-4d; column 15, lines 8-31).

However, Schneider and Sato do not specifically teach that the personnel-needed control signal is generated in response to results of comparing electronic log value of improper-responses to a log threshold.

It would have been an obvious matter of design choice at the time the invention was made to modify Schneider and Sato to include that when "Main Algorithm" determines that a user performs an improper activity, the personnel-needed control signal is generated in response to results of comparing electronic log value of improper-responses to a log threshold, because it appears that the claimed features do not distinguish the invention over similar features in the prior art, and the teachings of Schneider and Sato would perform the invention as claimed by the applicant with "Main Algorithm" being of any type, as specifically taught by Schneider (column 14, lines 15-18).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure (see form PTO-892).

Any inquiry concerning this communication should be directed to Igor Borissov at telephone number (703) 305-4649.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Receptionist whose telephone number is (703) 308-1113.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, John Weiss, can be reached at (703) 308- 2702.

Any response to this action should be mailed to:

***Commissioner of Patents and Trademarks  
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or faxed to:

(703) 872-9306 [Official communications; including  
After Final communications labeled  
"Box AF"]

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal  
Drive, Arlington, VA, 7<sup>th</sup> floor receptionist.

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